

Remarks

The Office Action mailed July 19, 2005 has been carefully reviewed, the foregoing Amendment and the following remarks have been made in consequence thereof.

Claims 1-37 are pending in this application. Claims 1-37 are subject to restriction and/or election requirement.

In response to the election requirement set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application all claims of Group II as identified in the Office Action. Claims 15-37, drawn to a system for processing a waste stream, are in the elected claim group. Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

Moreover, Applicants have amended Claim 1 to address the basis for the restriction requirement between the claims of Groups I and II. Accordingly, Applicants respectfully request that the Patent Office withdraw this restriction requirement as to the claims of Groups I and II such that the claims for consideration by the Examiner would include Claims 1-37.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of any of these claim groups would be relevant to the examination of the other groups and would not be a serious burden on the Examiner. Indeed, the claims of Group I and Group II are encompassed by a single class (Class 210), and it is not evident how the searching of a single class could present an unreasonable burden on the Examiner. Because the claims in Groups I and II are encompassed by a single class, the assertion that the claim groups have acquired a separate status in the art because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

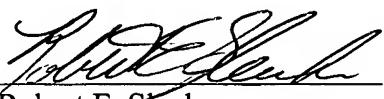
Further, Applicants elect, with traverse, species II, which includes both a method and a system for processing a waste stream from animal production confinements and other sources of concentrated wastes that comprises a solids/liquids separator, a water treatment apparatus, a control system for selectively controlling an amount of moisture in the solid waste stream, an energy conversion processor, and a power generator. At least Claims 1-6, 8, 9, 11-16, and 18-25 are readable upon species II.

The requirement for election is traversed because species I through VII clearly are related. Applicants respectfully submit that at least independent Claims 1 and 15 are generic and readable on species II. Also, Applicants respectfully submit that a thorough search and examination of species II would be relevant to the examination of the other species, and would not be a serious burden on the examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction and election requirements is requested.

In view of the foregoing amendments and remarks, all the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,



Robert E. Slenker
Registration No. 45,112
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070